THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 22463 OF 2005

Between:

All India Postal Employees Union, Postmen and
Group D, AP Circke, Hyderabad, rep. By Md.Yousuf Pasha

… Petitioner

And :

Director General of Posts – India, New Delhi
And others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 22463 OF 2005

ORAL ORDER :

All India Postal Employees Union, Postmen and Group D, AP Circle seeks a directions to the respondents 1 and 2:

"… not to disturb the peaceful functioning of the union under the leadership of petitioner herein by appointing an Ad hoc Committee under the approval of 1st respondent …"

It is pleaded that the 1st respondent had conveyed approval for the formation of an *Ad hoc* committee comprising 4 individuals with a mandate to hold fresh elections for the State unit of the union within 3 months, failing which trade union facilities to its members would stand withdrawn on expiry of the stipulated period.

The petitioner and the 4th respondent contested for the post of Secretary of the State Unit of the union at an election claimed to have been held on 24.05.2005. An election was

held but there is a contest as to the outcome. Petitioner claims to have been elected as Secretary, a claim refuted by the 4th respondent who alleges certain serious irregularities in the election process. In view of the disputes as to the vitality of the election, between the petitioner and the 4th respondent, the 3rd respondent has not recognised the petitioner as the elected Secretary of the State union. As there is a vacuum in the composition and functioning of the State unit of the union, the 2nd respondent constituted an *ad hoc* union/committee to conduct and supervise the elections and has stipulated a time frame within which the elections ought to be held, failing which the relevant facilities would be withheld after the stipulated period. The petitioner's grievance is that the dispute as to the validity of the elections which is the subject matter of OS No.4704 of 2005 on the file of III Assistant Judge, CCC, Hyderabad, is yet to be decided and the suit is ripe for hearing and before the result is known, the 2nd respondent has constituted an *ad hoc* committee and directed conduct of fresh elections.

The petitioner is unable to establish before this court that there is any extant order of the Civil Court in the suit above mentioned, which interdicts any action of the 2nd respondent to take steps to hold fresh elections. In the circumstances the decision of the 2nd respondent to convey acceptance to the *ad hoc* committee or to issue an order such as the one dated 11.01.2007 is not liable to be interfered with under Art.226 of the Constitution.

There are no merits in the writ petition. The writ petition is accordingly dismissed. No order as to costs.

Dated: 08.03.2007 ----------

Tsnr/Pvsn Justice
G.Raghuram